

Message Text

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PAGE 01 STATE 125499
ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY OES/NET/NEP:RDEMING:SK
APPROVED BY OES/NET:LVNOSENZO
OES/NET/NEP - MR. GUHIN
ACDA - MR. VANDOREN
T/D - MR. WELCH
NEA/IRN - MR. GREENE
L/N - MR. BETTAUER
NSC - DR. MATHEWS
S/AS - MR. KELLY - D/D:FLEISCHER
DOE - MR. BENGELSDORF

-----002749 171745Z /43

O 171733Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY TEHRAN IMMEDIATE

C O N F I D E N T I A L STATE 125499

EXDIS

E.O. 11652: GDS

TAGS: ENRG, MNUC, IR

SUBJECT: US-IRAN NUCLEAR COOPERATION AGREEMENT

REF: (A) TEHRAN 4414; (B) STATE 115476; (C) CANBERRA
3446 (D) TEHRAN 4015

1. SUMMARY. WE AGREE THAT YOU SHOULD AWAIT MANZOOR'S RETURN BEFORE RAISING NUCLEAR COOPERATION AGREEMENT WITH GOI. IN VIEW OF THE IMPORTANCE OF AVOIDING FURTHER DELAY IN CONCLUDING THIS AGREEMENT, DEPARTMENT HAS REEXAMINED US POSITION WITH INTERESTED AGENCIES AND NSC IN LIGHT OF IRAN'S
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POSITIONS REPORTED REFTEL C. WE HAVE DETERMINED THAT WE CAN ACCEPT IRAN'S DESIRED FORMULATION ON THE GENERAL MFN PROVISION ALTHOUGH ALL AGENCIES STRONGLY PREFER US VERSION, WHICH WE HAD THOUGHT IRANIANS HAD BEEN READY TO ACCEPT. REACHING AGREEMENT TO ACCEPT IRAN'S FORMULATION ON THIS POINT WAS EXTREMELY DIFFICULT AND POSSIBLY ONLY IN CONTEXT OF OUR OWN EXPECTATION THAT THIS WILL PERMIT CONCLUSION OF

AGREEMENT. WITH RESPECT TO THE "TIME FRAME" QUALIFICATION IN THE MFN PROVISION ON REPROCESSING, HOWEVER, WE MUST INSIST THAT WE KEEP THIS QUALIFICATION. IF FURTHER DISCUSSIONS WITH MANZOOR PROVE UNPRODUCTIVE, WE BELIEVE THAT AN EARLY APPROACH TO THE PRIME MINISTER OR, IF YOU BELIEVE ADVISABLE, TO THE SHAH ON THIS ISSUE WILL BE IN ORDER. END SUMMARY.

2. IN YOUR MEETING WITH MANZOOR, YOU MAY DRAW ON THE FOLLOWING POINTS IN ADDITION TO POINTS FORWARDED BY REFTEL B:

(A) WE BELIEVE THAT IT IS IN THE MUTUAL INTEREST OF BOTH COUNTRIES TO RESOLVE REMAINING ISSUES ON THE AGREEMENT AS SOON AS POSSIBLE. WE HAVE, THEREFORE, REEXAMINED OUR POSITION WITH VIEW TO ACCEPTING AS MUCH OF IRAN'S PROPOSED LANGUAGE, REPORTED IN CABLE FROM CANBERRA, AS POSSIBLE;

(B) THE DEPARTMENT OF STATE HAS OBTAINED NSC APPROVAL TO AGREE TO YOUR LANGUAGE ON THE GENERAL MFN PROVISION. BECAUSE OF THE PRECEDENTIAL IMPLICATIONS OF THIS PROVISION WE CLEARLY PREFER OUR ORIGINAL LANGUAGE AND, AT THE SAME TIME, BELIEVE IT PROVIDES IRAN ADEQUATE FLEXIBILITY. NEVERTHELESS, IN THE INTEREST OF CONCLUDING AGREEMENT AT EARLIEST POSSIBLE DATE, WE WILL ACCEPT YOUR SUGGESTED CHANGES IN THIS REGARD. (FYI. COMPLETE TEXT OF AGREEMENT CONFIDENTIAL

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AND NOTE AS IT WOULD NOW READ BEING SENT SEPTTEL. END FYI);

(C) YOUR SUGGESTION TO DELETE THE "TIME FRAME" FORMULATION IN THE REPROCESSING MFN PROVISION, HOWEVER, RAISES FUNDAMENTAL CONSIDERATIONS. THIS FORMULATION IS CONSISTENT WITH THE NORMAL INTERPRETATION OF MFN TREATMENT AND ENSURES THAT IRAN WILL GET THE SAME BENEFITS THAT THE US IS ACCORDING TO OTHERS AT THE TIME THAT IRAN NEEDS TO DISPOSE OF ITS SPENT FUEL. HOWEVER, BOTH US POLICY AND THE NEW LAW REQUIRE US TO SEEK IN THE INTERIM MORE PROLIFERATION RESISTANT ALTERNATIVES FOR THE DISPOSITION OF SPENT FUEL AND TO PERMIT THE REPROCESSING OF US-ORIGIN FUEL ONLY IN CASES OF DEMONSTRATED NEED TO AVOID A DISTINCT ADVERSE IMPACT ON A COOPERATING COUNTRY'S ON-GOING NUCLEAR POWER ACTIVITIES;

(D) A COMPLETELY UNQUALIFIED MFN PROVISION ON REPROCESSING COULD, IF WE WERE TO APPROVE SOME REPROCESSING NOW TO DEAL WITH AN INTERIM SITUATION, COMMIT US TO APPROVING REPROCESSING REQUESTS UTILIZING CURRENT TECHNOLOGY IN 1990 REGARDLESS OF THE POSSIBLE DEVELOPMENT BETWEEN NOW

AND THEN OF MORE PROLIFERATION-RESISTANT ALTERNATIVES.
TO DELETE THE "TIME FRAME" QUALIFICATION, THEREFORE,
WOULD BE CLEARLY INCONSISTENT WITH US POLICY;

(E) IN VIEW OF THE ABOVE, WE MUST SEEK IRAN'S AGREEMENT
IN THIS REGARD.

3. IF YOUR DISCUSSIONS WITH MANZOOR DO NOT INDICATE THAT
WE CAN RESOLVE THIS PROBLEM AT HIS LEVEL, WE BELIEVE THAT
YOU SHOULD INFORM MANZOOR THAT YOU WILL HAVE TO REVIEW
THIS ISSUE AT HIGHER LEVEL OF GOI, AND POSSIBLY WITH THE
SHAH.

4. REFERENCE NOSENZO-NAAS TELCON OF MAY 16 AND EMBASSY
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REQUEST FOR BACKGROUND ON FEBRUARY US-IRAN DISCUSSION IN
VIENNA ON MFN PROVISION ON REPROCESSING, PARA 2C AND D
PRESENT BASIC ARGUMENTS USED BY US SIDE. BASIC IRANIAN
ARGUMENT IS THAT DISCUSSED IN REFTEL D, I.E., THAT THEY
DO NOT WANT TO BE PENALIZED IN ANY WAY FOR ENTERING INTO
NUCLEAR DEVELOPMENT LATER THAN OTHER COUNTRIES. VANCE

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE125499
Document Source: CORE
Document Unique ID: 00
Drafter: RDEMING:SK
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780208-0353
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780548/aaaabooo.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c1e2b39b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 78 TEHRAN 4414, 78 STATE 115476, 78 CANBERRA 78
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2660348
Secure: OPEN
Status: NATIVE
Subject: US-IRAN NUCLEAR COOPERATION AGREEMENT
TAGS: ENRG, MNUC, IR, US
To: TEHRAN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/c1e2b39b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014